

House Bill 48 (AS PASSED HOUSE AND SENATE)

By: Representatives Chambers of the 81st, Bearden of the 68th, and Geisinger of the 48th

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 45-9-81 of the Official Code of Georgia Annotated, relating to
2 definitions relative to the Georgia State Indemnification Fund, so as to redefine certain terms;
3 to repeal conflicting laws; and for other purposes.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

5 **SECTION 1.**

6 Code Section 45-9-81 of the Official Code of Georgia Annotated, relating to definitions
7 relative to the Georgia State Indemnification Fund, is amended by revising paragraph (5) to
8 read as follows:

9 "(5) 'In the line of duty' means:

10 (A) With respect to an emergency medical technician, while training, on duty, and
11 when responding to or returning from an emergency or performing duties at the scene
12 of an emergency or transporting a person to a medical facility for emergency treatment
13 or returning therefrom;

14 (B) With respect to a firefighter, while training, on duty, and when responding to or
15 returning from a fire or other emergency or performing duties during any fire or other
16 emergency or performing duties intended to protect life and property;

17 (C) With respect to a law enforcement officer or firefighter, while on duty and
18 performing services for and receiving with or without compensation from the law
19 enforcement and fire service agency which employs such officer or firefighter, while
20 off duty when responding to any situation which would save a life or preserve the
21 peace, or while preventing or attempting to prevent the commission of a crime or fire.

22 A law enforcement officer or firefighter who is performing duties for and receiving
23 compensation from a private employer at the time of such officer's or firefighter's death
24 or bodily injury causing permanent disability shall not be considered in the line of duty
25 unless the officer or firefighter has left the scope of his or her employment for the
26 private employer for the direct purpose of enforcing or attempting to enforce fire

service, the criminal or traffic laws, preserving or attempting to preserve public order, protecting or attempting to protect life or property, performing active state service as a member of the Georgia National Guard, preventing or attempting to prevent a crime, detecting or attempting to detect crime, or investigating or attempting to investigate crime. The determination that a law enforcement officer or firefighter was killed or permanently disabled in the line of duty and is entitled to indemnification pursuant to this part shall not be considered in the determination of the entitlement of such officer to workers' compensation, disability, health, or other benefits from such officer's or firefighter's public or private employer;

(D) With respect to a ~~prison guard~~ correctional officer, while on duty and performing services for and receiving compensation from the public agency which employs such ~~prison guard~~ correctional officer; or

(E) With respect to a state highway employee, while on duty and performing any work necessary for the construction, maintenance, or operation of a roadway on or within the public roads of the state as defined in paragraph (24) of Code Section 32-1-3 when such employee is killed or permanently disabled as the result of working under hazardous conditions in close proximity to moving traffic or equipment."

SECTION 2.

Said Code section is further amended by striking paragraph (6) and inserting in lieu thereof the following:

"(6) 'Law enforcement officer' means any agent or officer of this state, ~~or a political subdivision or municipality thereof,~~ of this state, an authority or instrumentality of this state, or a local authority created as a joint public instrumentality of municipalities or counties of this state, who, as a full-time or part-time employee, is enrolled in a basic training course for purposes of Code Section 35-8-9 in a school certified by the Georgia Peace Officer Standards and Training Council or is vested either expressly by law or by virtue of public employment or service with authority to enforce the criminal or traffic laws and whose duties include the preservation of public order, the protection of life and property, or the prevention, detection, or investigation of crime. Such term also includes the employees designated by the commissioner of juvenile justice of the Department of Juvenile Justice pursuant to paragraph (2) of subsection (i) of Code Section 49-4A-8, which employees have the duty to investigate and apprehend delinquent and unruly children who have escaped from a facility under the jurisdiction of the Department of Juvenile Justice or who have broken the conditions of supervision. Such term also includes members of the Georgia National Guard, the composition of which is set forth in Code Section 38-2-3, who have been called into active state service by the Governor."

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- SECTION 3.**
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- All laws and parts of laws in conflict with this Act are repealed.